



**PERMANENT MISSION OF SINGAPORE
TO THE UNITED NATIONS**

318 EAST 48TH STREET, NEW YORK, NY 10017
TEL: (212) 826 0840 FAX: (212) 826 2964

**STATEMENT BY MR NATHANIEL KHNG,
COUNSELLOR (LEGAL), PERMANENT MISSION OF SINGAPORE
TO THE UNITED NATIONS, ON AGENDA ITEM 78, ON CRIMES
AGAINST HUMANITY, SIXTH COMMITTEE,
10 OCTOBER 2022**

Thank you, Mdm Chair.

1 Singapore reiterates its appreciation to the International Law Commission for its work on this important topic. Crimes against humanity are among the most serious crimes of concern to the international community. It is imperative that the international community works together to end impunity for perpetrators and provide justice for victims. In this regard, the Commission's draft articles and commentaries can contribute to the strengthening of accountability by providing useful practical guidance to States on this topic.

Mdm Chair,

2 Singapore was among those delegations that submitted written comments to the Commission on this topic. Like others, we considered the draft articles very carefully, and made suggestions on how they could be clarified or improved. We greatly appreciate the Commission's efforts to engage Member States. However, we remain of the view that the draft articles could be improved or clarified so as to resolve critical legal and practical issues that they leave unaddressed in their current form. Other delegations have raised similar concerns.

3 To cite one example, under draft article 7, multiple States may have national jurisdiction over a criminal offence and wish to exercise such jurisdiction. The draft articles do not explain how such potential conflicts of jurisdiction can be resolved. Draft article 13, paragraph 12, simply provides that a State in whose territory the alleged offender is present is to give due consideration to the extradition request of the State in whose territory the alleged offence occurred. In this regard, Singapore remains of the view that where such conflicts of jurisdiction exist, the draft articles should accord primacy to the State which can exercise jurisdiction on the basis of at least one of the limbs in draft

article 7, paragraph 1, rather than a custodial State that can only exercise jurisdiction on the basis of paragraph 2 alone. This is because the former State would have a greater interest in prosecuting the offence in question. We invite delegations to refer to the other parts of Singapore's written comments, which are available on the Commission's website.

4 We have also studied the numerous statements and written submissions by other delegations. These contain valuable ideas, reflecting the gravity of this topic and strong support for justice for victims of crimes against humanity. They also demonstrate that divergence of views remains. These raise complex issues that can only be resolved through open and constructive discussions on the substance of the draft articles. In this regard, my delegation will continue to engage positively in discussions with other delegations on these important matters, as well as on the issue of what further action should be taken on the draft articles.

Mdm Chair,

5 I wish to conclude by stating that Singapore is proud and honored to have served as co-coordinator for the resolution under this agenda item, together with Georgia at the 74th session, Australia and Georgia at the 75th session and Australia and Romania at the 76th session. We thank the Sixth Committee bureau members at these sessions and Member States for your trust and support.

6 Thank you for your attention.

.....